## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:98-CR-128

ANDREA JOY JAMES,	)	
Petitioner,	)	
v.	)	ORDER
UNITED STATES OF AMERICA	)	
Respondent.	)	

This matter is before the Court on Petitioner's motion seeking appointment of counsel and Respondent's Motion to Dismiss. Petitioner's motion is DENIED and Respondent's Motion is GRANTED.

## **BACKGROUND**

On July 15, 1999, a jury convicted the Petitioner of conspiracy to distribute controlled substances under 21 U.S.C. § 846, distribution of controlled substances under 21 U.S.C. § 841, and aiding and abetting the same under 18 U.S.C. 2. (DE 3). On December 17, 1999, the Court sentenced Petitioner to 330 months' imprisonment, five years of supervised release, and a \$200 special assessment. (DE 55).

Petitioner subsequently filed a Motion for Retroactive Application of Sentencing Guidelines to Crack Cocaine Offense 18 U.S.C. § 3582. (DE 81). This Court held a hearing and denied the motion in a written order on December 18, 2009. (DE 87).

On October 18, 2010, the Petitioner filed the instant motion seeking appointment of counsel and attached an order in <u>United States</u> v. <u>Miller</u>, No. 4:89-CR-12(JMR), 2010 U.S. Dist LEXIS 79763 (Dist. Minn. August 6, 2010), which discusses 18 U.S.C. § 3582. (DE 88).

## **DISCUSSION**

Petitioner moves the Court for an order appointing counsel to assist Petitioner with Petitioner's crack reduction motion (DE #81). Although Petitioner claims her crack reduction motion is "still pending," the Court's denied this motion over a year ago. (DE 87). Petitioner's instant motion is thus denied as moot.

SO ORDERED, this **2** day of December, 2010.

TERRENCE W. BOYLE